

Comptroller General of the United States
Washington 25

C-O-P-Y

B-140912

November 24, 1959

Mr. Robert K. Thurber
Authorized Certifying Officer
Subversive Activities Control Board
Washington 25, D. C.

Dear Mr. Thurber:

Your letter of October 1, 1959, requests our decision upon the availability of the Subversive Activities Control Board's appropriation for salaries and expenses to reimburse a staff member of the Board for the luncheon expense he incurred (\$3.45), and which he now claims, in attending on behalf of the Board a recent interdepartmental conference sponsored by the President's Committee on Government Employment Policy.

The conference attended by the claimant was held on Wednesday, September 23, 1959, in Washington, D.C., his headquarters. It was a meeting of Federal administrators in the Washington area to review the past operation of the Federal non-discrimination employment policy under Executive Order No. 10590 and discuss the problems which still confront the agencies and the President's Committee. The invitation to the conference, addressed to the Chairman of the Subversive Activities Control Board, stated in part:

"The conference will be held in the Congressional Room of the Willard Hotel, and will begin at 9:30 a.m. on September 23. The closing session will be a luncheon meeting in the South Ballroom of the Willard, at which Mr. Branch Rickey, the Committee's Vice Chairman, will be the speaker. The conference will close promptly at 2 p.m.

* * * * *

"A copy of the agenda for the conference is enclosed. We plan an informal type of meeting, and we hope for a full and free discussion of the items.

"We would appreciate having from your office no later than September 18 the names of those persons who will be representing your agency at the conference, with particular information as to whether or not they will be attending the luncheon session. The cost of the luncheon will be \$3.45 per person, and can be paid at the morning session or just prior to the luncheon session."

C-O-P-Y

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As a general rule, "the expense of subsistence at headquarters is personal to the employee and meals ordinarily may not be furnished him at Government expense within the limits of his headquarters." 38 Comp. Gen. 134. The stated rule is predicated upon two Congressional enactments: the Travel Expense Act of 1949, as amended (5 U.S.C. 836), and the Revised Statutes, section 1765 (5 U.S.C. 70). The Travel Expense Act authorizes the payment of subsistence expenses of officers and employees while they are on official business "away from their designated posts of duty." Section 1765 of the Revised Statutes provides that no officer of the public services, or any other person whose salary, pay, or emoluments are fixed by law or regulations, "shall receive any additional pay, extra allowance, or compensation, in any form whatever * * * unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation." (Underlining supplied.)

It would thus appear that in the absence of specific statutory authority the general appropriation for salaries and expenses of the Subversive Activities Control Board is not available for reimbursement of the luncheon expense incurred. See Johnston v. United States, 175 F. 2d 612; B-137999, December 16, 1958.

The claimant, in a memorandum forwarded with your letter, refers to the Government Employees Training Act (5 U.S.C. 2301 et seq.) as perhaps a source of authority for the payment of his claim. It is not shown that the Subversive Activities Control Board views the luncheon session--attendance at which was not necessary to otherwise participate in the conference--as constituting "training" within the meaning of that act. Nor do we see any basis for such a determination, and, consequently, the provisions of that act concerning expenses of training (5 U.S.C. 2309) are not herein for consideration.

The memorandum of the claimant refers specifically to the provision of the Government Employees Training Act making appropriations "available for expenses of attendance at meetings." 5 U.S.C. 2318(b). The legislative history of that provision indicates it was intended to dispense with the specific appropriation authorizations required by 5 U.S.C. 83 for the payment of expenses of Federal officers and employees in attending meetings "of members of any society or association." The provision has little or no bearing upon a purely internal conference or meeting of the Government. Nor, in any event, can we view the provision as authorizing agencies to incur an expense otherwise precluded by the Revised Statutes section 1765.

Since there is no specific statutory authority for the use of the Board's general appropriation for the expense involved, the claim herein is not for payment.

Sincerely yours,

/s/

Joseph Campbell
Comptroller General
of the United States

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